IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL MISC. APPLICATION NO.475 OF 2007

IN

CRIMINAL APPEAL NO. 65 OF 2007

Ladkya Sarjamya Pawar .... Applicant
Vs.
The State of Maharashtra .... Respondent

Mr. Y.J. Master for the Applicant.
Mr.D.P. Adsule, APP for the Respondent.

CORAM : J.H. BHATIA, J.
DATE : 25TH APRIL, 2007

P.C.

1) The present applicant- the original accused no. 9, along with 11 others, was convicted for the offence punishable under Section 395 of I.P.C. and was sentenced to undergo R.I. for 7 years and to pay fine of Rs.200/-. The present applicant by this application seeks to be released on bail pending the appeal.

2) Heard Mr. Y.J. Master, learned Counsel for the applicant and Mr. Adsule, learned APP. Perused R.& P. It appears that P.W. 1 Nisha and her family members were allured to purchase 20000

silver coins at the rate of Rs.20/- per coin. Due to this representation, Nisha, her husband and others went to a particular place and from there they were taken to a field where in all 11 persons came and committed dacoity and took away gold ornaments with diamond and red stones, silver anklets, wrist watch, mobile phone etc. worth Rs. 54,000/-. From the present applicant, some gold beads of a Mangalsutra were recovered. He was also identified by three witnesses during test identification parade, as well as before the Court during the trial. Of course PW 1 Nisha pointed out accused no. 5 as the present applicant, who is in fact accused no. 9. Other two witnesses correctly identified him before the Court also.

3) Taking into consideration the nature of offence and the evidence against the present applicant, I find that applicant does not deserve to be granted bail, pending the appeal.

4) Application stands rejected.

(J.H. BHATIA, J.)